CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☐ Discourt.	U.S.
John Butler		Squad #5	201503032	✓ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:	•	Precinct:	18 Mo. SOL	EO SOL
Tuesday, 04/14/2015 7:00 AM		§ 87(2)(b)		75	10/14/2016	10/14/2016
Date/Time CV Reported		CV Reported At: How CV Reported:		: Date/Time Received at CCRB		RB
Tue, 04/14/2015 12:55 PM	IAB Phone		Phone	Tue, 04/21/2015 10:59 AM		[
Complainant/Victim	Type	Home Addre	ess			
Witness(es)		Home Addre	ess			
Subject Officer(s)	Shield	TaxID	Command			
1. SDS Christophe Castle	03409	928041	WARRSEC			
2. DT3 Stephen Munafo	04422	934012	WARRSEC			
3. DT3 Christophe Capone	2580	945550	WARRSEC			
Officer(s)	Allegati	on		Inve	estigator Recon	nmendation
A.SDS Christophe Castle	Abuse: S § 87(2)(b)	Abuse: Sgt. Christopher Castle entered and searched in Brooklyn.				
B.DT3 Christophe Capone	Abuse: I § 87(2)(b)	Abuse: Det. Christopher Capone entered and searches in Brooklyn.				
C.DT3 Stephen Munafo	Abuse: Det. Stephen Munafo entered and searched in Brooklyn.					

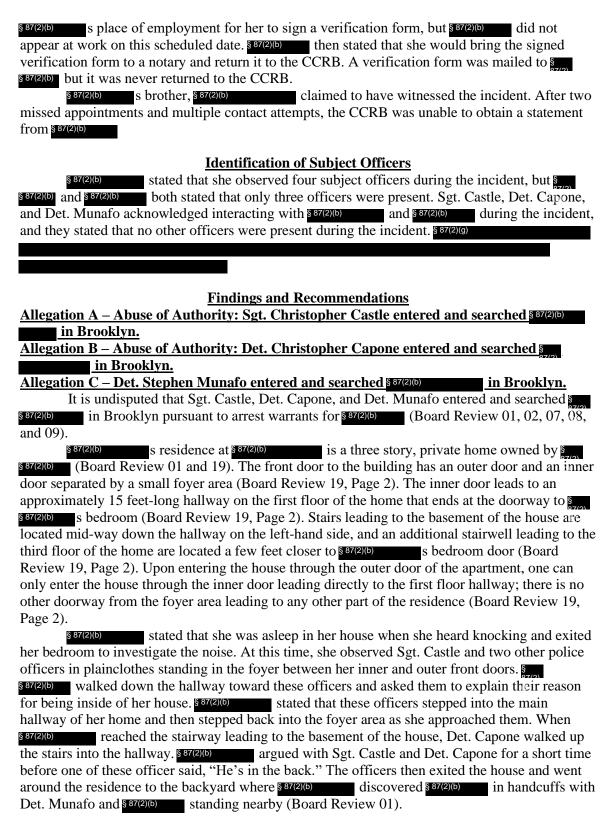
Case Summary

Densie §87(2)(b) filed this complaint with IAB via phone on April 14, 2015, generating log number 15-09819. The complaint was received at the CCRB on April 21, 2015, via log number 2015-10130. On April 14, 2015, at approximately 7:00 a.m., Sgt. Christopher Castle, Det. Christopher Capone, and Det. Stephen Munafo of the Brooklyn North Warrant Squad arrived at s home at \$87(2)(b) in Brooklyn to arrest \$87(2)(b) s son, \$87(2)(b) pursuant to four active arrest warrants and two active ICARDs with probable cause to arrest. Sgt. Castle, Det. Capone, and Det. Munafo, opened the unlocked front door of the house and entered the residence without §87(2)(b) s consent (Allegations A, B, and C). Det. Capone and Det. Munafo then descended the stairs to the basement of the house. § 87(2)(5) emerged from her bedroom and approached Sgt. Castle, who stood in the fover between the inner front door and outer front door. Det. Capone returned to the first floor of the home and spoke with \$87(2)(b) Det. Munafo then observed \$87(2)(b) and his girlfriend, \$87(2)(b) enter the basement of the house through the back door. Det. Munafo pursued \$87(2)(b) who exited the basement into the backyard upon observing Det. Munafo, and he arrested \$87(2)(6) in the backyard. Sgt. Castle, Det. Capone, and Det. Munafo then escorted \$87(2)(b) to the Brooklyn Robbery Squad and had no further interactions with him (Board Review 01 and 02). and § 87(2)(b) witnessed the incident, and they were interviewed on May 14, 2015, and May 27, 2015, respectively. Mediation, Civil, and Criminal Histories This case was unsuitable for mediation due to \$87(2)(b) s arrest. As of May 20, 2015, nor § 87(2)(b) has filed a notice of claim with the City of New York (Board Review 03) [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] **Civilian and Officer CCRB Histories** s first CCRB complaint (Board Review 06). Sgt. Castle has been a member of the NYPD for 13 years and has been the subject of six prior CCRB complaints involving 17 allegations, none of which were substantiated. (See officer history). Det. Capone has been a member of the NYPD for seven years and has been the subject of three prior CCRB complaints involving seven allegations of which two allegations for a vehicle search and a refusal to provide name and shield were substantiated. §87(2)(9) (See officer history). Det. Munafo has been a member of the NYPD for 11 years and has been the subject of eight prior CCRB complaints involving 22 allegations of which two allegations for stops of a person were substantiated. § 87(2)(9) (See officer history).

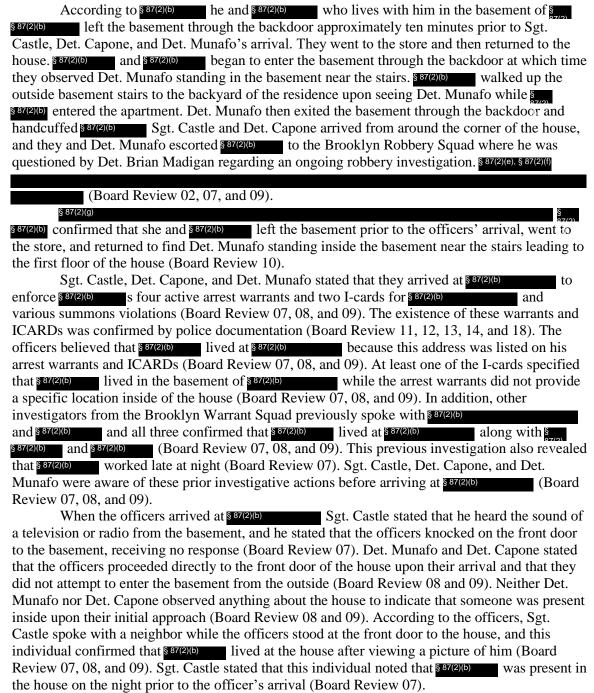
Potential Issues

provided an unverified statement via phone after she rejected efforts to schedule both in-person and field interviews. An attempt was made to send the Field Team to

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After knocking at the outer front door with no response, the officers opened the door, which was unlocked, and entered the foyer between the outer and inner doors (Board Review 07, 08, and 09). At this time, Det. Munafo stated that he heard the faint sound of a television coming from the basement (Board Review 09), but Det. Capone did not hear anything to indicate that someone was present in the house (Board Review 08). The officers knocked on the inner front door, but there was no answer (Board Review 07, 08, and 09). Det. Munafo and Det. Capone

Page 4 CCRB Case # 201504227 opened the inner front door, which was unlocked, and entered the main hallway of the house while Sgt. Castle remained in the foyer between the inner and outer front doors (Board Review 07, 08, and 09).

Det. Munafo and Det. Capone walked down the main hallway until they reached the stairs to the basement (Board Review 08 and 09). They then walked a few steps down the stairs at which time stairs (Board Review 08 and 09). At this time, Det. Capone returned to the hallway while Det. Munafo remained on the stairs (Board Review 08 and 09). Det. Munafo could clearly see into the basement at this time, and he did not see anyone present inside the basement (Board Review 09). While Det. Capone and Sgt. Castle spoke with stairs (Board Review 09). Det. Munafo observed stairs (Board Review 09). Det. Munafo stated that, upon seeing him, stated the basement and begin to enter (Board Review 09). Det. Munafo stated that, upon seeing him, stated the basement through the back door and closed it behind him (Board Review 09). According to the officers, Det. Munafo then put over the radio that stated the house through the front door to go around the house to the backyard (Board Review 07 and 08). According to Det. Munafo, he walked through the basement in pursuit of stated the house thin into the backyard, and handcuffed him without incident (Board Review 09).

The officers stated that they entered the house to enforce sorial sarrest warrants (Board Review 07, 08, and 09). The officers believed sorial lived at the location due to the fact that the address was listed on sorial sarrest warrants and due to the previous investigative steps taken by other investigators at the Brooklyn Robbery Squad (Board Review 07, 08, and 09). Sgt. Castle and Det. Munafo also stated that the officers believed sorial to be present at time of the entry (Board Review 07 and 09). According to Sgt. Castle, this belief was based on the sound of the television, the fact that the neighbor stated that sorial was at the house on the previous night, and the fact that prior investigative actions determined that worked at night (Board Review 07). Det. Capone did not possess any specific indication that sorial was inside of the house at the specific time of their entry (Board Review 08), and Det. Munafo stated that the sound of the television indicated to him that someone was present inside of the house (Board Review 09).

Generally, officers entering a residence to perform an arrest must possess a warrant. According to *Payton v. New York*, an arrest warrant founded on probable cause implicitly carries with it the limited authority to enter a dwelling in which the suspect lives when there is reason to believe the suspect is within (Board Review 15). However, as stated in CPL S 120.80 and affirmed by *People v. Cabral*, a police officer with an arrest warrant may only enter the defendant's residence if he has a reasonable belief that the defendant is present at the time of the arrest warrant execution (Board Review 16 and 17).

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§ 87(2)(g)			
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Team:			
			
Investigator.			
Investigator:Signature	Print	Date	-
Supervisor:			-
Title/Signature	Print	Date	
Reviewer:			_
Reviewer:	Print	Date	
Reviewer:			
Reviewer: Title/Signature	Print	Date	

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